

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

Waliyyuddin Abdullah

Plaintiff,

v.

The Small Business Banking Department of the
the Bank of America & The Small Business
Banking Department of Wells Fargo Bank

Defendants.

Civil Action No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332 and 1441, Defendant Bank of America, N.A. (“Bank of America”), and Wells Fargo Bank, N.A. (“Wells Fargo” or together with Bank of America, “Defendants”)¹, hereby remove this action, pending as Case No. 0027 in the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania. As grounds for removal, Defendants state as follows:

I. INTRODUCTION

1. Removal of this action is proper under 28 U.S.C. § 1441. The Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) as it is a civil action between

¹ Bank of America, N.A. and Wells Fargo Bank, N.A. were incorrectly named in the Complaint as “the Small Business Banking Department of the Bank of America” and “the Small Business Banking Department of Wells Fargo Bank” respectively.

citizens of different states in which the amount of controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

2. On February 1, 2015, Plaintiff Waliyyuddin Abdullah (“Plaintiff” or “Abdullah”) commenced an action by filing a complaint in the Court of Common Pleas of Philadelphia County, where it is presently captioned *Waliyyuddin Abdullah v. The Small Business Bank Department of Bank of America et al*, Civil Action No. 00227. A true and correct copy of Plaintiffs’ Complaint is attached hereto as **Exhibit A**.

3. To this date, no further pleadings have been filed have occurred in the Philadelphia County Court litigation.

4. This action arises out of Plaintiff’s claims that the defendant-banks discriminated against him by frustrating his efforts to obtain a small business loan.

5. There have been three previous actions with the same operative facts and claims before the United States District Court for the Eastern District of Pennsylvania. *See* Nos. 13-305, 14-5394, 14-5931.

6. In each of these cases, the district court *sua sponte* dismissed the actions for failure to state a claim. The last complaint was also dismissed on the grounds of maliciousness.

7. Abdullah appealed the federal district court’s first dismissal order, No. 13-2005, and the Third Circuit summarily affirmed.

8. Abdullah did not appeal the federal district court’s second dismissal order, and instead filed another lawsuit.

9. Abdullah did appeal the federal court’s third dismissal order, No. 13-2005, but the Third Circuit dismissed the appeal for failure to pay the filing fee or to seek *in forma pauperis* status.

II. REMOVAL IS PROPER BECAUSE COMPLETE DIVERSITY EXISTS

10. Removal of this action is proper under 28 U.S.C. §§ 1132 and 1441(a) based on diversity of citizenship among the parties.

11. Plaintiff is a citizen of Pennsylvania residing at 2451 N. 19th Street, Philadelphia, PA 19132.

12. Defendant Bank of America, N.A. is a national bank. The citizenship of a national bank is determined by the location of its designated main office, as set forth in its articles of association. *Wachovia Bank, N.A. v. Schmidt*, 546 U.S. 303, 306 (2006). Defendant Bank of America is a national banking association with its main office in North Carolina.

13. Defendant Wells Fargo is a national bank. The citizenship of a national bank is determined by the location of its designated main office, as set forth in its articles of association. *Wachovia Bank, N.A. v. Schmidt*, 546 U.S. 303, 306 (2006). Defendant Wells Fargo is a national banking association with its main office in California.

III. THE AMOUNT IN CONTROVERSY REQUIREMENT IS MET

14. The amount in controversy requirement of 28 U.S.C. § 1332(a) also is met here. In the Complaint, Abdullah seeks compensatory damages totaling \$658,900.00 and punitive damages of \$10 million. *See* Compl. at pp. 18-19.

IV. REMOVAL TO THIS JUDICIAL DISTRICT IS PROPER AND TIMELY

15. As noted below, Defendant has complied with each of the procedural requirements necessary for removal.

16. Pursuant to 28 U.S.C. § 1446(b), a notice of removal “shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.” This

Notice of Removal is being filed within thirty (30) days after Defendants received a copy of Plaintiff's Complaint.

17. Under 28 U.S.C. § 1441(a), a state court action may be removed "to the district court of the United States for the district and division embracing the place where such action is pending." The Court of Common Pleas of Philadelphia County is located within the Eastern District of Pennsylvania. See 28 U.S.C. § 118. Accordingly, venue is proper in this Court.

18. True and correct copies of all process and pleadings served upon Defendants are attached hereto as **Exhibits A** in compliance with 28 U.S.C. § 1446(a).

19. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Abdullah, and a copy is being filed with the Clerk of the Court of Common Pleas of Philadelphia County.

20. No admission of fact, law or liability is intended by this Notice of Removal, and Defendants expressly preserve all of their defenses, denials and/or objections to Plaintiffs' Complaint and each and every allegation thereof.

WHEREFORE, Defendants Bank of America, N.A. and Wells Fargo Bank, N.A. request that the above-captioned action be removed from the Court of Common Pleas, Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania, and that all further proceedings in this action be held before this Court.

Respectfully submitted,

Jenai H. St. Hill

Jenai H. St. Hill

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Dated: March 9, 2015

CERTIFICATE OF SERVICE

I, Jenai H. St. Hill, hereby certify that I caused to be served a true and correct copy of the foregoing Notice of Removal this 9th day of March, 2015 by *via* Regular and Certified Mail, postage prepaid, upon the following:

Waliyyuddin Abdullah
2451 N. 19th Street
Philadelphia PA 19132

Pro se Plaintiff



Jenai H. St. Hill